

July 14, 1999

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL.**

**SUBJECT:** Department of Development and Environmental Services File No. **L98P0033**  
Proposed Ordinance No. **1999-0320**

**HERITAGE BISSELL**  
Preliminary Plat Application

**Location:** Lying to the Southeast of the intersection of 80th Avenue Northeast and  
Northeast 132nd Street

**Owner/Developer:** Heritage Bissell Association, LLC  
9 Lake Bellevue Drive, Suite 213  
Kirkland, WA 98034  
Phone: 425-646-4022

**SUMMARY OF DECISION:**

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

**PRELIMINARY MATTERS:**

Application or petition submitted:	August 19, 1998
Complete application:	September 17, 1998

**EXAMINER PROCEEDINGS:**

Hearing Opened:	July 6, 1999, 9:30 AM
Hearing Closed:	July 6, 1999, 9:40 AM

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- School walking conditions

SUMMARY:

This small urban infill plat is approved.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer: Heritage Bissell Association, LLC  
9 Lake Bellevue Drive, Suite 213  
Kirkland , WA 98034  
Phone: 425-646-4022

Engineer: Peterson Consulting Engineers  
320 Second Avenue South  
Kirkland, WA 98033  
Phone: 425-827-5874

STR: NE-NE-25-26-04

Location: Lying to the SE of the intersection of 80<sup>th</sup> Avenue NE and NE 132<sup>nd</sup> Street.

Zoning: R8-SO

Acreage: 1.88 Acres

Number of Lots: 14 Lots

Density: Approximately 7.45 dwelling units per acre

Lot Size: Ranges from 3,770 to 4,880 square feet

Proposed Use: Detached single-family residences

Sewage Disposal: Northshore Utility District

Water Supply: Northshore Utility District

Fire District: #41

School District: Lake Washington School District

Complete

Application Date: September 17, 1998

Vesting Date: August 19, 1998

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the July 6, 1999, public hearing are found to be correct and are incorporated herein by reference. The LUSD Staff recommends

approval of the application, subject to conditions.

3. Heritage Bissell Association LLC has filed a preliminary plat application to subdivide 1.87 acres into 14 lots for single family residential development. The property is an infill development within the R8-SO zone in the Finn Hill neighborhood north of Kirkland. In order to provide adequate walking conditions for school children from the subdivision, the Applicant will construct an eight-foot paved shoulder offsite along the south side of Northeast 132nd Street extending from the east property line to 82nd Avenue Northeast.

**CONCLUSIONS:**

1. If approved subject to the conditions required below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements which promote legitimate public purposes; are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

**DECISION:**

The preliminary plat of Heritage Bissell as revised and received on June 7, 1999, is APPROVED subject to the following conditions of approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.

7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #\_\_\_\_\_ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."
  - d. Storm water runoff control shall be provided using the design standards specified in the Northshore Critical Drainage Area Designation. These requirements are contained in the reference section of the 1990 surface water design manual. The runoff control facilities shall be located in a separate tract and dedicated to King County. For water quality enhancement, biofiltration of storm water is also required. The size of Tract C may need to be enlarged to accommodate the required grading for the proposed detention pond and bioswale. During final engineering review, the applicant shall demonstrate compliance with the requirements for property setbacks, tract widths, and side slope designs as specified in Chapter 4 of the drainage manual.
8. King County Code 16.82.150D requires seasonal limitations for construction within the Northshore Community Plan Area. During the period October 1 through March 31, clearing and grading is not allowed unless certain provisions are complied with as outlined in the code. The applicants engineering plans and construction procedures shall demonstrate compliance with the applicable code requirements.
9. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
  - a. NE 132<sup>nd</sup> Street shall be improved along the frontage of the property as an urban collector arterial with 18-feet of pavement from centerline. During preliminary review the applicant submitted a road variance request (File No. L98V0157), regarding stopping sight distance along NE 132<sup>nd</sup> Street. The variance received conditional approval on

March 24, 1999 to allow construction of urban road frontage improvements on the existing road profile.

- b. 80<sup>th</sup> Avenue NE shall be improved along the property frontage as an urban subcollector.
  - c. Road A shall be improved as an urban minor access street.
  - d. Road B shall be improved as a private access tract serving lots 8,9, and 10. These lots shall have undivided ownership of the tract and be responsible for its maintenance. Improvements shall conform to KCRS 2.03 for urban minor access roads, which include 22 feet of paving. The minimum tract width shall be 26 feet with a maximum length of 150 feet.
  - e. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
  - f. NE 132<sup>nd</sup> street is designated an arterial street, which may require designs for bus zones and turnouts. As specified in KCRS 2.16, the designer shall contact Metro and the local school district to determine specific requirements.
  - g. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
10. To provide adequate walking conditions for school children, an eight-foot paved shoulder shall be improved along the south side of NE 132<sup>nd</sup> Street, extending from the east property line of the plat to 82<sup>nd</sup> Ave. NE. As an alternative to the paved shoulder, the applicant may choose to provide an urban road section including curb, gutter, and sidewalk.
11. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
12. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
13. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
14. There shall be no direct vehicular access to NE 132<sup>nd</sup> Street or 80<sup>th</sup> Avenue NE or from those lots

which abut them. A note to this effect shall appear on the engineering plans and final plat.

15. A 25-foot right-of-way line radius shall be provided at the northwest property corner as required in KCRS 2.10.
16. A fee-in-lieu of recreation space shall be paid by the applicant to King County. The amount of the fee shall be determined by the King County Parks Division, consistent with the provisions of KCC 21A.14.185.
17. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
  - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
  - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
  - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
18. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation area.
19. Street trees shall be provided as follows:
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along NE 132<sup>nd</sup> Street, 80<sup>th</sup> Avenue NE, and Road A. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any

other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.

- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
- g. The applicant shall contact Metro Service Planning at 684-1622 to determine if NE 132<sup>nd</sup> Street or 80<sup>th</sup> Avenue NE is on a bus route. If NE 132<sup>nd</sup> Street or 80<sup>th</sup> Avenue NE is a bus route, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

- 20. A final tree retention plan is to be submitted for engineering review consistent with the requirements of the Significant Trees Special Overlay District (SO-220), prior to engineering plan approval.
- 21. The existing home on lot 14 and existing outbuildings shall be removed prior to final recording.

ORDERED this 14th day of July, 1999.

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Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 14th day of July, 1999, to the following parties and interested persons:

Bennett Homes  
David M. Bissell  
Monte and Nanette Bolt  
Michael Brent  
Craig and Bente Dalby  
Roger Dorstad  
Mal Fairnington  
Sheldon Hey  
Dwight C. Jones, Sr.  
King County Envir Health Division  
Omprakash Maniyar

Linda Matlock  
David and Diane Messing  
Eleanor Moon  
Northshore Utility Dist., Attn: Carol  
Peterson Consulting Engineers  
Richard Sleeth  
Tim Spofford  
Victoria Lee Stocker  
Triad Associates  
David Winslow  
Greg Borba

Steve Bottheim  
Laura Casey  
Kim Claussen  
Peter Dye

Kristen Langley  
Aileen McManus

Steven C. Townsend  
James Weaver

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before July 28, 1999**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before August 4, 1999**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

Stafford L. Smith was the Hearing Examiner in this matter. Participating at the hearing were James Weaver, representing the County, and Ryan Fisk.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L98P0033
- Exhibit No.2 Department of Development and Environmental Services preliminary report dated July 6, 1999
- Exhibit No. 3 Application dated August 19, 1998
- Exhibit No. 4 Environmental checklist dated August 19, 1998
- Exhibit No. 5 Declaration of Non-significance dated June 2, 1999
- Exhibit No. 6 Affidavit of Posting indicating June 4, 1999, as date of posting and June 7, 1999, as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Plat map dated June 7, 1999
- Exhibit No. 8 Land use map 421E (Kroll map)
- Exhibit No. 9 Assessors map NE 25-26-4; SE 24-25-4

- Exhibit No. 10 Level One Drainage Analysis dated August 7, 1998
- Exhibit No. 11 Terra Associates Geotechnical Report dated May 11, 1998
- Exhibit No. 12 Terra Associates Level 1 Environmental Assessment dated May 5, 1998
- Exhibit No. 13 Conceptual Utility and Tree Retention map dated June 7, 1999
- Exhibit No. 14 P-suffix conditions KCC 16.82.150D; SO-220; SR-15-4
- Exhibit No. 15 Density calculations, received October 21, 1998
- Exhibit No. 16 E-mail from Lori Hoover (King County Parks) to James Weaver (DDES) dated May 12, 1998

SLS:daz/L98P0033 rpt